

Equal Rights

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FIVE CENTS

SATURDAY,
DECEMBER 19, 1925



Drawn by Nina E. Allender

Feminist Notes

Norwegian Woman on Bench

RUTH SORENSSEN BIE has been appointed assistant judge in the High Courts of Oslo, Bergen, and Trondhjem, the first such appointment to be given a woman in Norway.

Women Motorcyclists

THE VOTE, England, reports that a considerable number of women are now earning comfortable incomes as riders for motorcycle firms.

Speaker's Secretary Is a Woman

FOR the first time in history, the press reports, the Speaker of the House of Representatives of the United States has a woman as secretary. Speaker Nicholas Longworth has appointed Mildred Reeves secretary.

Why the Discrimination?

THE General Electric Company has just announced a group insurance plan for its 70,000 employees. The new insurance is offered to men employees under 70 years of age and women employees under 60 years of age.

Women Barred in Australia

THE Legislative Council of New South Wales has rejected the second reading of the Government's bill which would enable women to sit as members of the council by a vote of 28 to 25.

English Women Mayors

SIX women mayors have been elected in England this year as against eight in 1924. They are Mrs. Coxen for King's Lynn; Lucy Dales for Dunstable; M. E. Neville for Lincoln; Mrs. Phillips for Honiton; Elizabeth Simpson for Higham Ferrers; and Mary Short, for Eye, Suffolk. Miss Short and Mrs. Phillips have served as mayors before, the latter now entering on her fifth term as mayor.

Mrs. Coxen succeeds her husband. Miss Dales had served as mayoress for her father. Mrs. Simpson is the wife of the town clerk, who had the duty of swearing his wife into office. In this borough, Mr. Simpson will frequently be required to address his wife as "Your Worship." Mrs. Simpson is a Californian by birth. During the war she was a demonstrator in the foods production department, and later was organizing secretary for the Birmingham and Warwickshire Land Army, and president of the local Women's Unionist Association.

Virtually all of these women have served as councillors.

Marriage and Journalism

THE MATRIX, a magazine for women in journalism, edited by Ruby A. Black, a member of the Editorial Board of EQUAL RIGHTS, says the following about the opportunity for married women in journalism in an article on "How to Get a Job in Journalism," by Susan S. Dibelka, manager of a journalism employment bureau in Chicago:

"Married women are going on with their journalistic work more and more. Five years ago a married woman had to apologize for being married when she went for a job. I remember my first experience applying for a job after I was married. The employer looked me over, and I seemed to answer his description of the kind of person that he had in mind, but when I handed him my card and he saw the fatal 'Mrs.,' he said, 'Oh, you're married.' And that was the end of that. Several years ago married women in Chicago had to throw their wedding rings into the well and take their maiden names to get a job.

"Now, however, the attitude of the publishers is more liberal. *The Nation's Health* has an editorial force of 100 per cent married women. The *Chicago Tribune* has a reportorial force of women almost exclusively married.

"An interesting sidelight on the *Tribune* policy toward married women is shown in the rule of their employees' benefit plan which guarantees to any woman employee who is absent to become a mother, six weeks' pay and an extended leave of absence. That is, the *Tribune* holds the woman's job for her and pays her for six weeks of the time she is out. Dr. W. A. Evans of the *Tribune* 'How to Keep Well' column was largely responsible for the adoption of this arrangement. The *Tribune* owners state it simply when they say, 'We do not believe in penalizing motherhood.' I mention this to you because there may be some among you who feel that a career means putting off marriage. The saying used to be, 'Marriage or a career.' As far as journalism goes there is no need for choice. The two go hand in hand, quite amiably."

Woman Executive Recognized

MARGARET HAYDEN RORKE, managing director of the Textile Color Card Association, has been appointed secretary and treasurer and member of the executive committee of the American Trade Association Executives. She is the first woman to be chosen for such an office in this organization, which is composed of the secretaries of the leading trade associations of the country.

Polish Women Object to "Protection"

REPORTS from Poland say that the labor inspector has ruled that women cannot serve as barmaids in his country. Saloons that have always employed women have been forced to discharge them and hire men. The women have raised a storm of protest at having their jobs taken away from them. Aside from the question as to whether a saloon is a pleasant and suitable place for a human being, regardless of sex, to work in, it seems that few enough places are open to women, without taking from them those opportunities which they have.

For Women in High Municipal Posts

DEMOCRATIC women in New York City are reported to be making a drive for the appointment of women in responsible posts in every department of the city's work. More than one hundred applications for city positions are said to have been received from women. Among the posts which Democratic women wish to have filled with women are: Commissioner of Public Markets; deputies in the Street Cleaning and the Health departments; officers or deputies in the Department of Correction; head of the Department of Welfare or deputy therein. The Women's Democratic Forum has adopted a resolution demanding at least one place for a woman in every department.

Women Window Cleaners Wear Knickers

COMMENTING on the employment of women as window cleaners for railway cars, the *New York Times* says:

"Probably many of the casual train window gazers do not realize that the sturdy striding figures he sees on the walks between the tracks are women. Not all of them are, but the majority are feminine window cleaners and car scrub women. Some of them still wear the more remote bloomers, but for the most part they are clad in knickerbockers and some of them in pants, which one observer remarked was 'sensible,' considering that skirts and blouses would be rather a handicap and rather more immodest as they climbed ladders and crawled on their knees.

"A little after 5 o'clock in the evening the scene is transformed, and instead of trouser-clad figures the procession from work includes skirts, shirt waists and ornate hats of every hue bespeaking as many whims and foibles as there are women in the throng."

An Irish Feminist on Freedom

"ECONOMIC independence, regardless of marriage, is essential for women's freedom."

"Nothing is so degrading as being a parasite."

"Chivalry is very pretty on a Christmas card, but a poor substitute for Equal Rights."

"Man has invaded woman's sphere and has taken from her all the valuable things she used to do—spinning, weaving, brewing, even cooking are now done in factories."

"Woman has had to find work to do outside the home since the old home tasks were taken from her."

These epigrams of equality were part of Margery Connery's address at the National Headquarters of the Woman's Party on December 6.

In order to enable women to attain life-long economic independence, and in order to make the home a place of peace, refreshment, beauty, and love, Mrs. Connery suggested that cooking be handled as a government service, as is the public defense, the postal service, *et cetera*.

Not that men and women, husbands and wives, parents and children should leave their homes to eat in large mess halls with the rest of the neighbors, but that the major portion of the food be prepared by real experts outside the home, and delivered in heat-conserving containers ready for eating in the home dining-room, just as now most of the bread, the butter, the cheese, the milk, the pastries, the cakes, and other foods are prepared outside the home ready for consumption on delivery. Such a scheme, she said, would not only free women, but would also improve the national digestion.

Quoting Oscar Wilde's "Human beings were meant for something better than disturbing dust," she plead for wider ac-

tivities for women, and for the professionalizing and industrializing of house work, which she clearly distinguished from home-making. Quoting another Irishman, Bernard Shaw, "Home is the girl's prison and the woman's workshop," she urged that the home be broadened by the wife's activities outside it.

Mrs. Connery, who is leader of the Irish Feminist movement, and a new member of the International Advisory Council of the National Woman's Party, looks to America to lead the world in facilitating economic independence for women.

She was greatly surprised, however, in interviewing Congressmen on the Equal Rights Amendment, to find that many of them still quoted to her that hackneyed retort, "Woman's place is in the home."

"Of course it is," she promptly replied. "But so is man's. The home is the place of peace and refreshment for both the man and the woman after the day's work is over."

"But men seem to think that every baby girl born has a needle and thread in one hand and a rolling pin in another. Now I can do everything with a needle and thread except sew with it. The reason that housework is so badly organized and so badly done is that so many women not fitted for it have been required to do it," the brilliant Irishwoman said.

After pleading that women be emancipated from the pots and pans, Mrs. Connery then plead for a more spiritual aid for women.

"Men have always had women for an audience," she said. "Men could never have accomplished all the things they have if they had not had women devoting their lives to them, praising them, and encouraging them."

"Men have always lived in an atmosphere of appreciation. Women have never

had any audience. I plead with the new men—for the new man is essential to the new woman—to give the new women that appreciation and encouragement essential for the greatest human development.

"Then men and women can develop together, with an open road in front of both. They can stand together as comrades, solving their common problems, working equally."

Mrs. Connery gave a thrilling account of the abuse, the persecution, and the physical violence suffered by militant Irish Feminists of the Women's Franchise League, who eventually won the vote for Irish women.

She also paid a tribute to the "fine, uncompromising spirit of the National Woman's Party." She said that the Woman's Party, through EQUAL RIGHTS, was an inspiration to women all over the world, recalling a conversation with Mrs. Cousins, the Irish woman who is a leader of the Feminist movement in India, in which the Irish-Indian leader spoke of the encouragement given women in India by the magazine and its accounts of American women's fight for Equal Rights.

"The Feminist movement," she said, "is not Irish, not American, but is a universal spirit," and praised the Woman's Party for its foresight in organizing an International Advisory Council.

In opening her address, Mrs. Connery expressed her pleasure at being able to say, "Ladies and Gentlemen," for many men were in her audience.

Mrs. Connery was introduced by Mrs. Albert H. Bright of Minneapolis, who presided. Mabel Vernon of Delaware spoke on the campaign before Congress, and urged concentration of effort to get the Equal Rights Amendment adopted at this session of Congress.

Mrs. Connery went to Chicago from Washington.

To the Unknown Women

By Rebecca Hourwich

THE National Headquarters of the Woman's Party dedicated to the permanent interests of women are now in the process of being furnished room by room in honor of friends, relatives and acknowledged leaders of women. I would like to propose a room done in honor of the unknown women!

Perhaps the most moving and dramatic event of the entire war was the unanimous decision of all the nations to give honor where honor was due, to the unknown soldier. The simple grave at Washington where the unknown soldier lies, concentrates attention for all time on the valor and courage necessary to the unheralded deed. Just from day to day the very same way, the patient plodding,

unrelenting way, is often the hardest, and the governments of the world, not always human, were quick to recognize that human fact.

In the struggle for woman's freedom belated recognition has come to a few brilliant personalities whose image has been indelibly stamped by the record of their own achievement. But for each of the pioneers who formulated and organized the public battle, there have been hundreds of thousands of women, who each in their small way, have contributed to the sum total of woman's advance and achievement.

It is the glowing, hopeful, wistful, un-

assuming, unknown women today who make up the Feminists cohorts; it is they who did in past generations; and it is they who will in the generations of the future. Let us as an organization draw attention to the significance and importance to the Feminist movement, and to the nation, of these unknown women.

Five hundred dollars is needed to furnish a room in honor of The Unknown Women. The room should be furnished for use in the present session of Congress, as this session promises to be a most critical one for the Equal Rights Amendment.

A report of those contributing and the progress of the fund will appear in a forthcoming issue of EQUAL RIGHTS.

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OBJECT OF THE WOMAN'S PARTY

To remove all forms of the subjection of
women.

THE LUCRETIA MOTT AMENDMENT

"Men and women shall have Equal Rights
throughout the United States
and every place subject to its jurisdiction."

"Congress shall have power to enforce
this article by appropriate legislation"

[Senate Joint Resolution Number 21.]
[House Joint Resolution Number 75.]

Introduced in the Senate, December 10, 1923,
by SENATOR CHARLES E. CURTIS.
Introduced in the House of Representatives,
December 18, 1923,
by REPRESENTATIVE D. R. ANTHONY.

Peace on Earth

THE wreaths are in the windows, the Christmas candles stand ready, the mistletoe beckons, the Christmastide is here. Soon the sweet music of the bells will kiss the air and the still sweeter music of myriad childish voices will carol forth the old songs, "Peace on earth, good-will toward men," "Christ the Saviour is born."

Were the Prince of Peace to be born again this Christmas day, what are the gifts that would await Him? Look well about the world and you will see that once again His choice would be the cross, the crown of thorns. For upon this earth there is no peace nor will there be until the hearts of humankind are quickened to an understanding of the Saviour's mission. "Peace on earth, good-will toward men." This is the meaning of the gospel of Jesus.

One of the most desolating stories that has come down to us from the World War is that of the soldiers in No Man's Land. It was the custom for the opposing forces in the World War to send their men in the front line trenches "over the top" just before the dawn to attack the enemy. A sharp and bitter conflict would ensue, and with the coming of day, unless one or the other side were victorious, both combatants would go back again into the trenches. Then through the long heat of the day, if it were in summer, or through the wracking cold in winter, the wounded men and the dead would lie there in the narrow strip between the trenches awaiting the sheltering night and the stretcher-bearers. Men of every nationality there were in No Man's Land, and the boys who came back, those who found safety in the trenches, tell how through the long days they heard over and over again, in every language, on the lips of the dying, spoken from the very heart of agony, the one word, Mother! It was a cry to her who had always bound up their little hurts and comforted them, but who in her children's greatest hour of need could not go over to them. It was too late, as it has always been too late throughout the ages.

But the cry of those dying men echoes yet and many women in many lands hear it. It is a cry to the mothers of the race to protect their sons while there is still time, to build a bulwark of justice against war, to substitute civilization for barbarism. There was a time when women dared not seize the power essential to their task; today, unless motherhood is to appear a mockery, they dare not do otherwise than seize it. For upon the power of women, their complete emancipation, their full equality with men, depends the hope of saving humanity from self-destruction.

Let us then at this Christmas season bring as our gift to the Prince of Peace a rededication of ourselves to the service of equality. Free women from their bonds and they will fly to their sons in No Man's Land, and where there was a shambles there will be a garden.

The Johnson Amendment

PERHAPS inadvertently Senator Hiram Johnson has done a good deed for Equal Rights by introducing in the Senate his resolution providing for nation-wide sex inequality in the matter of minimum wages.

Senator Johnson's proposal would countenance class legislation and would for the first time write into the Constitution the principle that women are unequal to men.

Precisely opposite is the Lucretia Mott Amendment, which would write into the United States Constitution the principle of equality—"Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction."

Thus a dramatic alignment will result—those who believe that women are subject to special legislation will be ranged on the one side, and those who believe that women are entitled to equality in every field of human activity will be ranged on the other, each theory being represented in clear and unequivocal fashion by a proposed amendment to the United States Constitution.

Heretofore the issue has been more or less confused, for people have not recognized class legislation in "protective" legislation applying to women only. Now the line is sharply drawn. Does American citizenship imply "Equal Rights" or is it compatible with discriminatory legislation?

Vigorous Congressional Campaign Begins

WITH the opening of Congress, Maud Younger, Congressional Chairman of the Woman's Party, announces plans for a vigorous campaign upon Senators and Representatives in which she asks the assistance of every member. Senator Curtis of Kansas, introduced the amendment in the Senate the second day of the session, and Representative Anthony has introduced it in the House. It is now before the Judiciary Committee of each branch of Congress. With the aid of a lobby committee, including members from many States, Miss Younger has already started a careful canvass of Senate and House, which is winning support for the amendment and adding valuable information to her famous "card index."

Among those who came to Washington at the opening of Congress to lobby for the amendment is Mrs. A. H. Bright of Minneapolis, one of the oldest and most distinguished members of the Woman's Party and a recently elected member of its National Council. Mrs. Bright will remain at National Headquarters for the winter giving all of her time to assisting with work for the amendment. Mrs. P. J. Simmen of Eden, N. Y.,

By Ruby A. Black

has also arrived and is doing valuable work interviewing Congressmen and other officials. She will remain in Washington for the winter to assist constantly with the campaign. Blanche E. Little, an officer of the Oklahoma Branch of the Woman's Party, has come to National Headquarters during the past week and has already obtained the support of several Congressmen for the amendment. She will be at headquarters several months.

Mrs. Stephen Pell, National Finance Chairman, took the opportunity on a recent brief trip to Washington to interview her representative and one of the New York Senators to urge their support of the amendment.

Among others who are assisting with the lobby are Grace Osgood of New Jersey, Mrs. Harvey Wiley and Julia Jennings of Virginia, Anita Pollitzer of South Carolina, Mrs. John MacKee of Ohio, Mabel Vernon of Delaware, and Emma Wold of Oregon.

During her stay at National Headquarters, Margaret Connery of Dublin, a leader in the Irish women's movement, gave effective aid to the endeavor

to win votes for the Equal Rights Amendment. Mrs. Connery interviewed a number of representatives who are believed to be interested in the affairs of her country. When asked by each one of them why she, an Irish woman, was working for equality for American women, she answered each in turn, "Because I am a Feminist. I want equality for the women of the world and the winning of the Equal Rights Amendment in America will be a great step toward this end." It is stimulating and inspiring to have such help come to us from the Feminists of other countries, as that which Mrs. Connery has so wholeheartedly given during her visit to Washington.

Miss Younger is now addressing a letter to every member of the Woman's Party asking each one to bring pressure on members of Congress in behalf of the amendment through interviews, letters, resolutions and any other means she can devise. In the letter, she points out that every effort, no matter how small, when combined with the efforts of thousands of others, makes a great wave which is irresistible. With such a combination of endeavor by women in every part of the country, the amendment will be won.

The Activities of Austrian Women

By Gisela Urban

(Editor's note: Gisela Urban is one of the foremost Feminists of Austria and is a leader in the National Council of Austrian women and in the Association for Women's Political Interests of Austria. She is a member of the International Advisory Council of the Woman's Party.)

ONE of the subjects which is occupying the minds of Austrian women at the present time is with regard to obtaining women police. Although in the Vienna police office a large number of women are working, among them several who are entrusted with specific police tasks, especially in the department against the traffic in women and children, there are no women in Vienna in the street service.

It is already two years since the National Council of Austrian Women in consequence of the discussion of the question "Women Police" at the League of Nations arranged a meeting at which the police authorities were asked to give information as to the direction in which women are active in police service, and at the same time to learn what the police authorities think of the further wishes of women. Since that time the National Council of Austrian Women has endeavored to interest women and the public in the question of "Women Police." To support this propaganda Commandant Mary S. Allen was invited to a lecture which took place on the 30th of October. This lecture had a great success. Commandant Allen was also received in the most respectful manner by the Vienna

chief of police, Herr Schober, internationally well known and esteemed for his former activity as a chancellor. He is one who does not refuse the admission of women police. As the financial fetters caused by the reorganization of the State finances enforce the greatest economy in Austria, it is not possible to engage new forces for the police. But the National Council of Austrian Women will not cease with its propaganda so that the demand for women police may find realization as soon as possible after the complete economic reconstruction of the country.

Another effort which women in Austria are making is to open the legal profession to women. It is to be noticed with great satisfaction that Dr. Marianne Beth, the first woman in Austria who passed the examination to practice law, has been put as first woman on the lists of counsels. She is enabled to carry through the defense in criminal cases, but she must still practice two years before

being admitted as an advocate. Dr. Beth was already a graduate Doctor of Philosophy when, after the revolution, the study of law was opened to women. It is to be hoped that she will devote her law practice first of all to women and children. She is interested in the women's movement and especially active in the work for world peace.

The women of Austria have recently formed an Inter-Organization Women's Committee. Prominent delegates of the leading women's organizations joined last year to arrange the successful exhibition, "The New Household," in the House of the Vienna Fair, and learned how efficiently women can work together, if political convictions or social differences are not considered. Arrangements were made that this committee be continued in order to consider all women's questions of importance before being brought before the public or before anything is undertaken regarding these questions. To the committee belong delegates of the National Council of Austrian Women, of the Reichsorganisation der katholischen Frauen, (the conservative women) of the National-German Association of Women and of the Social-Democrat Women's Association.

The Johnson Amendment Introduced

SENATOR HIRAM JOHNSON of California introduced in the Senate on December 8 a resolution proposing an amendment to the United States Constitution to make constitutional minimum wage legislation for *women and children*. The proposed amendment was referred to the Judiciary Committee. The text of the resolution is:

"The Congress and the several States shall have power within their respective spheres to provide for the establishment and enforcement of minimum wages for women and minors."

The National Woman's Party protested at once against the amendment proposed by Senator Johnson giving the Federal and State governments power to impose minimum wage legislation upon women and children and not upon men for the following reasons:

Such an amendment is in direct opposition to the fundamental principle of equality in the rights of citizens upon which

the Constitution of this country is based and would definitely write into the Constitution inequality based upon sex.

It is contrary to the whole trend of the movement of women toward individual freedom and perpetuates the illogical and intolerable classification of women with children.

A resolution to this effect was adopted by the National Council of the Woman's Party at a meeting held at the National Headquarters on December 8, a few hours after Senator Johnson had introduced his resolution.

In the campaign against the Johnson Amendment, the Woman's Party emphasizes that it takes absolutely no position on the desirability of minimum wage legislation, but opposes any legislation which is based on sex. The protest of the Woman's Party against this amendment will take active form and give widespread publicity to the demand for equality for

women in industry as in every other department of life.

The California Branch of the Woman's Party, of which Mrs. William Kent is chairman, has already declared to Senator Johnson that it is opposed to his resolution and a few weeks ago when Mrs. Kent was in Washington, she was the principal speaker at a meeting held at National Headquarters to protest to Senator Johnson against the introduction of such an amendment. "While our National Constitution," said Mrs. Kent, "contains no declaration of the equality of men and women (and we therefore work for the Lucretia Mott Amendment), it contains no statement of inequality of the sexes. Women who seek equal rights will work against the introduction of such a distinction into the Constitution, as the Johnson Amendment proposes."

A protest from the Business and Professional Women's League of California was also sent to Senator Johnson as soon as his intention of introducing the amendment was announced.

The Wife's Interest in Community Property in California

A CASE of great interest to workers in the Woman's Party is now before the United States Supreme Court. It raises the question whether the income from community property in the State of California is taxable to the husband alone, or one-half to each the husband and wife. It is the owner of an income that pays the income tax. So in effect, the issue is whether the community property income belongs solely to the husband, or equally to him and his wife. This case, known as *Robbins v. W. S.*, is one of the most important in its bearing upon the woman movement of all the cases which have ever come before the Supreme Court.

It will be remembered that under the laws of California as they now exist, all the property of a husband and wife, except that acquired before marriage, or by gift or inheritance after marriage, is community property, and belongs to them jointly. But the husband is the head and master of the community personal property except that he can not dispose of it without a consideration, and can not sell the clothing of the wife and children, or the furnishings of the home, without the wife's consent. Likewise, the husband has the management of community real estate but it is a general rule that he can not convey or encumber it unless the wife joins with him. In theory, this property

By Burnita Shelton Matthews,

Member of the Bar of the United States Supreme Court

system places a monetary value upon the wife's labor in the household as well as her work outside the home. It recognizes that the wife is a factor in the acquisition of property, and is entitled to an interest with the husband. But the property being so largely under the dominion of the husband, the assertion has often been made that the community system has failed to accomplish its object; namely, the equalization of the property rights of husband and wife.

If the community property income belongs one-half to the husband and the remainder to the wife, the rate of taxation is considerably lower, and it is said that the Federal government will be compelled to refund more than \$77,000,000 to California citizens for excess taxes collected on the theory that the husband is the sole owner.

The facts in the test case now before the Supreme Court are these: Reuel D. Robbins and Sadie M. Robbins were married in California and accumulated a large fortune, all of which was acquired before the year 1917. The community income for the year 1918 consisted of rents

and profits from property, and money earned as salaries, fees, and commissions. Robbins was required by the Commission of Internal Revenue to pay an income tax on *all* of this income. If he had been permitted to return only one-half of the community income as his own, his tax would have been \$4,291.43. Being required to return the entire community property as his own, the tax paid was \$11,079.46. The difference, \$6,788.03, was paid under protest, and after the death of Robbins, his executors made a claim for a refund. The claim being disallowed, suit was then brought and judgment rendered for Robbins' executors. The federal government feels aggrieved and is now asking the United States Supreme Court to reverse this decision.

During the last several years California women have secured a number of amendments making the community property laws more fair to their sex. For example, in 1917 the statute was passed requiring the wife to join in a conveyance of community real property. Prior to 1917, the husband had the power to sell the real estate without the wife's consent or approval, precisely as if it were his separate property. Another amendment adopted in 1917 relieved the widow from having to pay an inheritance tax on her one-half of the community property on the death of her husband. In 1923, a law was enacted giving married women the right

to will away half of the community property, thus putting them, in this respect, on an equality with married men. Prior to this enactment, although when the husband died he might leave his one-half of the property to whomever he pleased, the wife, unless she outlived her husband, could not leave a dollar of her one-half to anyone, not even to her own children.

THIS was true when the community property consisted entirely of the wife's earnings, as well as in other cases. Except for the salaries, fees and commissions, the property from which the income accrued in the Robbins case was acquired prior to 1917, and the position of the United States is that the progressive legislation of 1917 and 1923, being of later date, can not be considered in the Robbins case in determining the nature and extent of the wife's interest in the community property.

It is insisted by the Government that the wife's interest in community property is a mere 'expectancy,' and that California has "never yielded to the wife any semblance of a proprietary interest or ownership in the community property prior to dissolution of the community." The Government's brief concludes by making a comparison of the extent of the wife's interest in the community income under the California system with the extent of her interest in the husband's separate income in States where the community system does not prevail. It states:

"No better illustration can be given of the want of any real ownership or proprietorship by the wife in the community income in California than by comparing her rights in the community income with the extent of her interest in the separate income of her husband in States where the community system does not prevail.

"In some States in the West and Northwest, where the community system does not prevail, as a substitute for the common law estates of curtesy and dower, the wife has been given, upon the prior death of her husband, what, for want of a better definition, is called a 'statutory' interest in real and personal property belonging to his estate. The parallel between that system in Minnesota, as an example, and the community system in California, as it related to community property acquired, as in this case, prior to 1917 is a deadly one.

"Omitting references to some unimportant exceptions and special provisions, in Minnesota, by statute, upon the death of the husband, the widow is entitled—subject to the payment of the husband's debts and expenses of administration—to one-third of the personal property then belonging to his estate and one-third of all real estate of which he shall have been seized during coverture, the conveyance of which she has not assented to in writing.

"In California on the death of the husband the wife takes, subject to the payment of the husband's debts and expenses of administration, one-half of the community real and personal property then

remaining. In California, prior to 1917, her inchoate interest in the community real estate was not protected as in Minnesota by requiring her consent to a conveyance. In Minnesota the interest in the husband's estate to which the wife succeeds is administered as part of the husband's estate and distributed by decree of the probate court, and in California the entire community property is likewise administered as part of the husband's estate. In Minnesota the interest to which the widow succeeds is subjected to an inheritance tax. In California, from 1905 until the passage of the 1917 act exempting it, the widow's succession to one-half the community estate was subjected to an inheritance tax.

"In Minnesota, if the wife dies first, her inchoate statutory interest in the husband's separate property is extinguished. She leaves no interest to be administered and has no testamentary power over it. In California, likewise, the prior death of the wife extinguishes any interest in the community, and the entire community property, without administration and free from the wife's testamentary disposition, remains the property of the husband. In Minnesota no inheritance tax has ever been imposed on the extinction of the wife's inchoate interest resulting from her death leaving the husband surviving, and in California no such tax has been imposed on the cessation of the wife's interest in the community property.

"In Minnesota, the separate estate of the husband is not liable for the wife's debts incurred during coverture, except that by virtue of the marital relation the husband and his separate property may become liable for necessities furnished the wife, under familiar rules of the common law.

"In California, the community property is not liable to the wife's debts contracted after marriage. There is a liability on the husband for reasonable support and maintenance and for necessities as in Minnesota, but that, as in Minnesota, is not limited to a half interest in or to all of the community, but is chargeable as well against his separate estate.

THERE are two respects in which the California system differs somewhat from the statutory interest created by the Minnesota law. In Minnesota, the husband may give away his personal property during coverture, and his wife has no ground of complaint. In California, the statute forbids him to give away community property without the consent of his wife, but the court has there held that this is a mere restriction on his disposition and vests no interest in the wife.

"In Minnesota, on dissolution of the marriage by divorce, the statutes authorize the court to award the wife such part of her statutory one-third interest in his property as may seem just, depending upon the circumstances and the question of fault or misconduct. In California, the statutes give the wife one-half of the community property on divorce except in cases of adultery or cruel treatment, in which case a different disposition or division of the community estate may be made by the court in the divorce proceedings.

"With the exception of the slight differences with respect to the power of giving away personalty and the manner of division in case of dissolution of the

marital relation by divorce, the systems in California and Minnesota do not differ substantially—that is to say, in Minnesota the wife has as much ownership, dominion, proprietorship and right to the beneficial use and enjoyment of the separate income of her husband and the income from her husband's separate estate as the wife in California has in and to the so-called community income. Indeed, the Minnesota wife has two considerable advantages, in that her separate earnings belong to her and may be disposed of by her, whereas in California the earnings of the wife—unless she is separated from her husband—form part of the community income and may be managed and controlled by the husband, and in the fact that in Minnesota her statutory interest relates to property owned by her husband at marriage as well as that acquired during coverture.

TO suggest that under a system such as prevails in Minnesota and neighboring States the wife has such an interest in the husband's separate income, or in the income of his separate property, as to entitle her to return half of it for federal income tax purposes as her own would be absurd, and yet, except for a few phrases and some differences in terminology the wife's interest in the community income in California is no more substantial.

"* * * * * So far as concerns the question of discrimination and the uniformity of federal taxes throughout the United States, it may be said that to permit the wife in California to reduce the surtaxes on what is really her husband's income by returning half of the community income as her own would be the most direct discrimination against husbands and wives in some forty States of the Union, where, in order to split their incomes between husband and wife to avoid high surtaxes, husbands must convey part of their property outright to their wives, paying a gift tax in the process."

On the other hand, Robbins' executors maintain that in all the other community property States, Arizona, Idaho, Louisiana, Nevada, New Mexico, Texas and Washington, husband and wife each report one-half of the community income and that to exclude California from this rule is an unjust discrimination; that the community property law of California, as of the other community property States was derived from the Spanish-Mexican law, and gives the wife a vested interest in the estate and not a mere 'expectancy.'

The California District Court in deciding the case in favor of Robbins' executors said, in part:

"The tax here is a tax upon income. By the statute law of California, whatever is earned by both husband and wife, as well as by the products of community property, become a part of the community. Generally that income is produced by the industry, and professional, economic, or commercial acumen of the husband; generally, but not always. In an increasing number of cases, the wife in fact, by her labor and ability, adds materially thereto. But in the ordinary case, where the wife's contribution is the conduct of the household and the care of her children, it can

be said that in every practical sense she is contributing to the earnings of the husband. It will not do to say that she has no interest in those earnings until her husband dies, or she is divorced. It is probable that a large part of the advancement in the useful arts, and the creation of wealth, is due to the natural ambition of the wife. It is the marriage which creates the ownership; death or divorce merely give possession. Her interest is not merely in support for herself and her children. It is in the fact that her security is fortified by the creation of a fund, which in any contingency shall be available to her. To tax the income, as if it all belonged to the husband, is to unduly diminish that fund; it is in effect, and in practical consequence, to compel the wife to pay an additional tax upon her just share, and to tax her portion under the disguise of a levy upon her husband. In practical effect, likewise, if her husband has separate estate, the whole community income is added to his separate

income, and the surtax upon the sum of the two further depletes the community accumulations. If the wife actually earns money, she is obliged to add that to her husband's income, either earnings or the product of his separate estate, and thus pay surtax on the combination. It seems to me that the whole income can be taxed to the husband only if it is that husband's income. * * * And the truth and substance is that only one-half of the income really belongs to the husband; the other half, in law and right and justice to the wife." (Robbins v. U. S., 5 Fed. (2d) 690.)

For a long, long time the women of California have been working to establish the principle that the interest of the wife in community property is vested, definite, certain. All effort to obtain for her a share in the control of community property has met with strong and determined opposition. Now many of the opponents

of equality for husband and wife in the community property system are demanding that the government allow the wife to file a separate return of one-half of the income, even though it be income over which the husband has exclusive control.

If Robbins' executors prevail in the Supreme Court, hereafter a husband and wife will each make a return on one-half of the community property income, but the income will still be controlled exclusively by the husband. If the government prevails, the community income will continue to be taxed as the property of the husband who receives it, or California will find it agreeable to amend her laws so as to acknowledge that the wife is a real partner with her husband in the management as well as the acquisition of property.

News From The Field

Colorado Active for Equal Rights

BERTHA FOWLER, State Chairman of the Colorado Branch of the National Woman's Party, reports great political activity in Colorado for the adoption of the Equal Rights Amendment to the United States Constitution. Mrs. Fowler says that members are writing to and seeing their Congressmen to ascertain their position on Equal Rights. In a recent letter to National Headquarters, Mrs. Fowler said: "In my opinion, any opposition coming from women can only be construed as the strongest possible evidence of the need of such a measure."

The Industrial Conference of the Women's Labor Bureau

EACH State branch of the National Woman's Party has been invited to send one delegate, and the National Headquarters has been invited to send three delegates to a Women's Industrial Conference to be held in Washington, under the auspices of the Women's Bureau of the United States Department of Labor on January 18-21, 1926.

Women representatives of national organizations throughout the country have been invited to attend the conference and to take part in the program. Mary Anderson, chief of the Women's Bureau, has issued the call for the conference.

Kansas City Elects Officers

THE Kansas City Branch of the National Woman's Party at its regular meeting elected the following for the ensuing year: Mrs. Harry O. Mitton, president; Mrs. William F. White, first vice-president; Mrs. R. E. Lauck, second vice-president; Nellie McGrail, corresponding secretary; Mrs. William J. McKenzie, recording secretary; Mrs. George Borraine, treasurer; Mrs. Paul A. Hartung, auditor.

Christmas Sale at Headquarters

A CHRISTMAS sale was held at National Headquarters of the Woman's Party on Capitol Hill December 17-19. Ruth Noyes Crocker, formerly National Organizer for the National Woman's Party in the West, was chairman of the Committee on the Sale.

Articles suitable for Christmas gifts, bric-a-brac, and candies and cakes were sold. The two front rooms of the National Headquarters were devoted to the exhibit of articles for sale. Mrs. Harvey Wiley, chairman of the Homemakers' Council, helped with the food department of the sale.

Gifts of Bric-a-brac contributed by Mrs. Oliver H. P. Belmont, National President of the Woman's Party, formed the nucleus of the sale.

Pennsylvania Contributes

THE Pennsylvania Branch of the National Woman's Party has just sent \$100 to the National Headquarters for the campaign for the adoption of the Equal Rights Amendment during this session of Congress.

Following her visit to Washington to attend the meeting of the National Council, Dr. Caroline Spencer of Colorado conferred with the Pennsylvania State Committee at a meeting in Philadelphia and laid before the members the details of the plans for the coming campaign on Congress.

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Fund Pledged by Missouri

ESTELLE BALFOUR BENNETT writes that she and Mrs. Harry Mitton of the Missouri State Branch of the National Woman's Party are raising \$100 to send to the National Headquarters to apply to the campaign for the passage of the Equal Rights Amendment to the United States Constitution.

Two Million Dollar Fund Treasurer's Report

EDITH AINGE, Treasurer

NETTIE TRAIL: C. P. A., Auditor.

RECEIPTS collected by National Headquarters December 7, 1912, to December 4, 1925, \$1,315,107.30.

Contributions, membership receipts and other receipts, December 4 to 11, 1925:

Miss Gladys Doyle, D. C.	\$1.00
Mrs. Herbert C. Thompson, D. C.	1.00
Miss Josephine H. Lehnert, D. C.	9.00
District of Columbia Branch	5.00
Mrs. Emily H. Bright, Minn.	20.00
Miss Mary F. Downs, D. C.	2.00
Miss Elizabeth Fairall, D. C.	5.00
Mrs. Martha B. Mulholland, Va.	1.00
Mrs. Charles Boughton Wood, Conn.	100.00
Mrs. Clara F. Purcell, D. C.	1.00
Mrs. Phoebe Lillard, D. C.	1.00
Mrs. H. M. Bradbury, D. C.	1.00
Miss Jeannette C. Kelly, D. C.	1.00
Mrs. Caroline Fuller Jones, D. C.	5.00
Mrs. Edith B. Newman, D. C.	5.00
Maryland Branch	50.00
Mrs. Edith Houghton Hooker, Md.	10.00
Miss Evelyn Dankmeyer, Md.	2.50
Miss Margaret Burlingame, Md.	2.50
Mrs. Elizabeth Forbes, Md.	5.00
Mrs. Vera Lewis, Md.	1.00
Miss Florence Hanna, Md.	1.00
Mrs. Sophie G. Meredith, Va.	25.00
Mrs. Dora G. Ogle, Md.	5.00
Mrs. Stephen Frisard, N. C.	1.00
Miss Lavinia Dock, Pa.	5.00
Miss Ruth Allison Hudnut, D. C.	5.00
Mrs. Margaret Hopkins Worrell, D. C.	10.00
Rent of rooms at Headquarters	61.50
Telephone receipts	4.55
Sale of literature	2.00
Deposit on key	.50
Sale of copies of EQUAL RIGHTS	.60
Refund on telegram	.30
Collection at tea, December 6	13.39

Total receipts, December 4 to December 11, 1925.....\$363.84

Total receipts, December 7, 1912, to December 11, 1925.....\$1,315,471.14

CORRECTION.

(In the issue of October 31 the amount contributed by Mrs. William H. Evans was listed as \$25 instead of \$10, and in the issue of September 19, \$10 contributed by Miss Emma Wold was listed without her name.)